

## THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 6th February 1925.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, C.I.E., I.S.O.) in the chair.

## I

## QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

## STARRED QUESTIONS.

## Depressed Classes.

*Vriddhachalam Taluk Adi-Dravida Conference.*

\* 157 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state whether he has received a copy of the resolutions passed at the Vriddhachalam Taluk Adi-Dravida Conference on 13th December 1924 and the action taken by the Government thereon?

A.—The Government have not received a copy of the resolutions.

Mr. R. SRINIVASAN:—"May I ask the hon. the Home Member whether the Government have since received any further resolution regarding the same?"

The hon. Sir ARTHUR KNAPP:—"I cannot find that we have received any such resolution. But the Labour Commissioner has received a communication in connexion with a conference which took place in January last. That is all I can trace."

*Treatment of depressed classes by the Brahmans of Kalpathi Agraharam.*

\* 158 Q.—Mr. R. SRINIVASAN: Will the hon. the Home Member and the hon. the Law Member be pleased to state—

(a) whether the Government received a memorial from the Brahmans of Kalpathi agraharams, Palghat, Malabar district, praying that no access should be given to Tiyyas, Eazhavas, Paraiyas, Nayadis, etc., to their (Brahmans) streets, as the distance approach of these classes of people would pollute them (Brahmans), their streets, dwellings, tanks and temples;

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(b) whether it is not a fact that similar denial of access to their streets was made by Brahmans in Sanyasi agraaharam in Tinnevely district, Kamalapuram in Salem district, and Narayanavaram in Chittoor district; and  
 (c) on whose patta land the Kalpathi agraaharam streets are?

A.—(a) A memorial of the kind referred to by the hon. Member has been received.

(b) The hon. Member's attention is invited to the answers given to questions Nos. 45 and 362 asked at the meetings of the Legislative Council on the 18th and 21st August 1924, respectively. The Government have no information about the incident at Narayanavaram.

(c) The streets in Kalpathi agraaharam are registered as Government poramboke.

Mr. R. SRINIVASAN:—“ May I ask the hon. the Home Member whether, on receipt of the memorial from the public, the Government have issued an order in which the following paragraph appears :—

‘ The Government desire to reiterate that the public have a right of access and use in respect of all high ways, but it is not for them finally to decide whether a particular street or road falls within the classification. In the present case the Government observe that the Palzhat municipality have maintained the road in question and *prima facie* this appears to the Government to involve the position that the road is one in . . . ’ ”

The hon. the PRESIDENT:—“ Will the hon. Member kindly resume his seat? If the hon. Member is reading a long extract it is very much better to refer the extract which is very probably in the hands of the Government and confine himself to his supplemental question. He may now put his supplemental question.”

Mr. R. SRINIVASAN:—“ My question is whether that paragraph appears in the order? ”

The hon. Sir ARTHUR KNAPP:—“ The answer to that question, Sir, is Yes.”

Mr. R. SRINIVASAN:—“ If so, whether the Government Order applies in the same sense as it applies to the cheris to all other parts like the streets of oil-mongers, etc.? ”

The hon. Sir ARTHUR KNAPP:—“ I see no reason to suppose that the Government Order does not apply generally to all streets in every municipality. That is to say the Government adhere to the position that with regard to all streets while they reiterate the right of the public it is not for them to decide finally whether any street or road falls within the classification of public streets.”

Mr. R. VEERIAN:—“ With reference to clause (b) I find the answer invites attention to answers to certain questions given on the 18th and 21st August 1924. The depressed classes do not usually pass through Brahman streets. I want to know whether the Government have already found out the reasons why the members of the depressed classes do not usually pass through Brahman streets. Is it not a fact that owing to sentimental objections and strong oppression the depressed classes are actively prevented from passing through Brahman streets? ”

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Mr. R. SRINIVASAN :—“ May I know if generally the Government concede that untouchability and unapproachability have been carried to excessive limits so as to hurt the feelings of the depressed classes and, if so, is not the British Government wrong in tolerating that spirit? ”

The hon. Sir ARTHUR KNAPP :—“ I am not aware that the British Government have done anything to lay them open to that accusation.”

Mr. A. CHIDAMBARA NADAR :—“ Will the Government be pleased to call for the information with regard to the incident at Narayanavaram? ”

The hon. Sir ARTHUR KNAPP :—“ I have no doubt that with regard to that incident the hon. Members below the gangway will not lose any opportunity of calling the attention of the Government to it.”

Mr. K. KOTI REDDI :—“ The hon. Member has said that *prima facie*. . . . ”

The hon. Sir ARTHUR KNAPP :—“ Not the hon. Member but the Government ”

Mr. K. KOTI REDDI :—“ Well, Sir, *prima facie* the street in question is open to members of all communities. Does the Government leave to each community to contest in a court of law its right of access to it, or will it itself secure such rights to the community? ”

The hon. Sir ARTHUR KNAPP :—“ I do not think that that question arises at the present moment. I may make it clear that *raison d'être* of this matter is that the local officers at Malabar asked us whether we had any instructions to give them as to the manner in which they should deal with any similar occurrence at Kalpathi; and consequently we issued the order. The Government view as a matter of fact coincided with the views of the local divisional officer and I take it that he will feel justified in adhering to his position when the question arises again and until the contrary is proved will treat the Kalpathi streets as *prima facie* public. The onus of proving that they are not public will, I take it, lie on the person who makes that claim. As hon. Members are aware, there is a reservation at the end of the paragraph quoted by my hon. Friend as regards the attitude to be taken by the local officers in practical and material support of entry into the street. But that does not mean anything more than that the local officers in carrying out their duties will be guided by the actual conditions of the moment.”

Mr. T. ADINABAYANA CHETTIYAR :—“ May I know whether the Brahman street at Kamalapuram is now at least open to the depressed classes? ”

The hon. Sir ARTHUR KNAPP :—“ I am afraid I must have notice of that.”

Mr. R. VEERIAN :—“ With reference to clause (c) I find that the answer is that the streets are registered as Government poramboke. I want to know whether the Government are not going to maintain their policy and give equal facilities to all classes? ”

The hon. Sir ARTHUR KNAPP :—“ Yes, Sir; they are.”

Mr. R. VEERIAN :—“ Then why are the members of the depressed classes prevented from entering those streets? ”

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The hon. Sir ARTHUR KNAPP :—" May I point out that the explanation is contained in the paragraph itself? The determination of the question whether a particular street is public or not will depend amongst other things on whether the municipality in taking over control has accepted or recognized any limitations on the right of the public."

Mr. R. VEERIAN :—" May I know what the definition of Government poramboke is? "

The hon. Sir ARTHUR KNAPP :—" I must refer the hon. Member to the Board's Standing Orders."

Mr. A. CHIDAMBARA NADAR :—" May I know if the Government made enquiries regarding the question whether the municipality reserved any limitations as to the use of public roads? "

The hon. Sir ARTHUR KNAPP :—" That is a matter to be investigated by the local officers."

Rao Sahib P. V. GOPALAN :—" May I know whether the Palghat municipality contributes any sum towards the maintenance of this road? "

The hon. Sir ARTHUR KNAPP :—" Yes."

Rao Sahib P. V. GOPALAN :—" May I take it then that it is a public road and not a private one? "

The hon. Sir ARTHUR KNAPP :—" That is a matter for the civil courts to decide. The Government have already stated that."

Rao Bahadur C. NATESA MUDALIYAR :—" Who is to go to court, Sir? Is it the Government or any other body? "

The hon. Sir ARTHUR KNAPP :—" I take it that generally it is the party that is aggrieved that goes to court."

Mr. R. VEERIAN :—" Is not the Government the most competent authority to decide the matter? "

The hon. Sir ARTHUR KNAPP :—" I am afraid not."

Rao Bahadur C. NATESA MUDALIYAR :—" May I know why the Government will not move in the matter? "

*Use of public wells, tanks, etc., by the depressed classes.*

\* 159 Q.—Mr. R. VEERIAN: Will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state all the practical steps taken on or effect given to the resolution of the Madras Legislative Council passed on 22nd August 1924 with reference to throwing open all public wells, tanks, roads, etc., to all classes of people of His Majesty's Government?

A.—The Government have accepted the resolution and communicated it to local bodies and heads of departments for information and guidance. They have also directed the publication of the resolution in English and in the vernaculars in the *Fort St. George Gazette* and in the district gazettes.